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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,269

Applicant(s)

CHAO ET AL.

Examiner

Maikhanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 07/08/2005 to the original application filed 02/28/2002.
2. Claims 1-24 are currently pending in this application. Claims 1, 9, and 19 have been amended. Claims 1, 9, and 19 are independent claims.

Claims Objection

3. Claim 19 is objected to because of the following informalities:
 - a. *“comparing a layout of a particular electronic document to one or more pre-existing electronic documents”* (claim 19, line 3) should read *“comparing a layout of a particular electronic document to layouts of one or more pre-existing electronic documents”*
 - b. *“create a differentiated electronic document if said layout of said particular electronic document matches a pre-existing electronic document”* (claim 19, lines 6-8) should read *“create a differentiated electronic document if said layout of said particular electronic document matches said layouts of said one or more pre-existing electronic document”*.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added limitation "*to differentiate said electronic document*" (to independent claims 1, 9, and 19) renders the claims indefinite. It is unclear whether Applicant means "*to differentiate a document from another document*" or "*to differentiate text clusters within a document.*" Clarification is required.

Dependent claims 2-8, 10-18 and 20-24 are also rejected for fully incorporating the dependencies of their parent claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **Kreulen at al.** (U.S. 6,424,971 – filed 10/1999) in view of **Hu et al.** (U.S. 6,542,635 – filed 09/1999).

As to independent claim 9:

- a. Kreulen teaches:
 - (i) determining a separation distance between a first text cluster and a second text cluster of an electronic document (*col.5, lines 20-30*); and
 - (ii) adjusting the separation distance of the electronic document to differentiate the electronic document (*col.6, lines 51-54*).
- b. Kreulen does not specifically teach “generating a distance adjustment”.
- c. Hu teaches generating a distance adjustment (*col.5, lines 57-67*).
- d. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen because it would have provided the capability for comparing and/or clarifying documents by type using layout data.

As to dependent claim 10:

Kreulen teaches the determining, generating, and adjusting steps are performed for two or more text clusters in the electronic document (*Abstract and col.2, lines 18-25*).

As to dependent claim 11:

Kreulen teaches the determining, generating, and adjusting steps are iteratively performed
(*Abstract and col.2, lines 18-25*).

As to dependent claim 12:

- a. Hu teaches adding the distance adjustment to the separation distance (*col.5, lines 57-67*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen because it would have provided the capability for comparing and/or clarifying documents by type using layout data.

As to dependent claim 13:

- a. Hu teaches subtracting the distance adjustment from the separation distance (*col.5, lines 57-67*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen because it would have provided the capability for comparing and/or clarifying documents by type using layout data.

As to dependent claim 14:

- a. Hu teaches determining whether the separation distance falls within a modifiable range (*col.5, lines 20-54*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen

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because it would have provided the capability for comparing and/or clarifying documents by type using layout data.

As to dependent claim 15:

Kreulen teaches of the first text cluster and second text cluster are single text lines (*col. 4, lines 38-52*).

As to dependent claim 16:

- a. Hu teaches the distance adjustment must be larger than a text line spacing and less than twice the text line spacing (*Abstract*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen because it would have provided the capability for comparing and/or clarifying documents by type using layout data.

As to dependent claim 17:

- a. Hu teaches comparing a layout of the electronic document to one or more pre-existing electronic documents, wherein the determining, generating, and adjusting steps are performed if the layout is identical to a pre-existing electronic document (*col. 4, lines 46-67 and Fig. 3*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen because it would have allowed the user to determine the content of the documents in the cluster without having to look at all the documents in order to do so. This saves the user considerable time, and ultimately reduces expenses.

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As to dependent claim 18:

- a. Kreulen teaches undoing the adjusting step if said new layout is identical to an electronic document (*col.6, line 51-col.7, line 8*); changing one or more modification parameters to form a new set of modification parameters if said new layout is identical to an electronic document; and repeating the determining, generating, and adjusting steps using said new set of modification parameters to create another new layout of said electronic document if said new layout is identical to an electronic document (*col.2, lines 18-26*). Kreulen does not specifically teach “comparing a new layout of said electronic document to said one or more pre-existing documents.”
- b. Hu teaches comparing a new layout of said electronic document to the one or more pre-existing documents (*col.4, lines 46-67 and Fig.3*).
- c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen because it would have allowed the user to determine the content of the documents in the cluster without having to look at all the documents in order to do so. This saves the user considerable time, and ultimately reduces expenses.

As to independent claim 1:

The rejection of independent claim 9 above is incorporated herein in full. Additionally, Kreulen further teaches:

- (i) a processor (*central processing unit 302; col.4, lines 18-20*); and

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- (ii) a memory (*storage device 310; col.4, lines 20-23*) communicating with the processor and including a document storage area (*documents storage 312; col.4, lines 37-38*) storing one or more electronic documents (*one or more documents 314A-Z; col.4, lines 37-38*).

As to dependent claim 2:

Kreulen teaches two or more text blocks (*col.4, lines 38-52*).

As to dependent claim 3:

Kreulen teaches two or more text paragraphs (*col.4, lines 38-52*).

As to dependent claim 4:

Kreulen teaches two or more text lines (*col.4, lines 38-52*).

As to dependent claim 5:

Kreulen teaches the document storage area stores a plurality of electronic documents (*documents storage 312 which includes one or more documents 314A-Z; col.4, lines 37-38*).

As to dependent claim 6:

Kreulen teaches the distance modifier routine modifies the separation distance by a predetermined distance adjustment (*col.5, line 20-col.6, line 67*).

As to dependent claim 7:

Kreulen teaches a distance calculator routine that computes the separation distance (*col.6, lines 31-46*).

As to dependent claim 8:

It includes the same limitations as in claim 17, and is similarly rejected under the same rationale.

As to independent claim 19:

- a. The rejection of independent claim 9 above is incorporated herein in full.

Additionally, Kreulen further teaches:

- (i) undoing the modifying of the one or more separation distances of the particular electronic document if the layout of the modified electronic document matches a layout of another electronic document (*col.6, line 51-col.7, line 8*); and
 - (ii) changing one or more modification parameters to form a new set of modification parameters if the layout of the modified electronic document matches a layout of another electronic document (*col.2, lines 18-26*); and
- b. Kreulen does not specifically teach “*comparing a layout of a particular electronic document to one or more pre-existing electronic documents; and comparing a layout of the modified electronic document to the layouts of the one or more pre-existing electronic documents.*”
- c. Hu teaches comparing a layout of a particular electronic document to one or more pre-existing electronic documents; and comparing a layout of the modified electronic document to the layouts of the one or more pre-existing electronic documents (*col.4, lines 46-67 and Fig.3*).
- d. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Hu in the system of Kreulen

because it would have allowed the user to determine the content of the documents in the cluster without having to look at all the documents in order to do so. This saves the user considerable time, and ultimately reduces expenses.

As to dependent claim 20:

Refer to discussion of claim 9 above for rejection.

As to dependent claims 21-24:

They include the same limitations as in claims 12-14 and 16, and are similarly rejected under the same rationale.

Response to Arguments

6. Applicant's arguments filed 08/18/2004 have been fully considered but they are not persuasive.

Applicant argues that Kreulen et al. patent does not teach or suggest modifying a separation distance between two particular text clusters in an electronic document to differentiate the electronic document. (Remarks, page 8)

In response, Kreulen is not used to teach *modifying a separation distance between two particular text clusters in an electronic document to differentiate the electronic document*. Hu's teachings "with edit distance each row is described as a sequence... edit distance is measured by computing the cost of adding, deleting and substituting block record" (col.5, lines 57-67) do read-on "modifying a separation distance between two particular text clusters in an electronic document to differentiate the electronic document" as claimed by Applicant.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
9/19/2005